

REMARKS

Reconsideration of the outstanding rejections is requested in light of the forgoing amendments and the following comments. Claims 29-35, 43-46 and 48-50 are pending, with claims 29 and 43 being the independent claims. No new matter is added by this Amendment.

Interview Summary

The undersigned would like to thank Examiner Miller for her time and attention during a telephone call on November 8, 2006. During the call, an inconsistency in the office action related to claims 49 and 50 was discussed, as well as the rejections under 35 U.S.C. 112. The Examiner verified that claims 49 and 50 are allowable. The term “non-human,” the subject of the 112 rejections, was also discussed. The Examiner stated she would consider the term “inanimate” rather than “non-human” as a proposed amendment to overcome the 112 rejections.

Allowable Subject Matter

The Applicant appreciates the Examiner’s indication of allowable subject matter in claims 29-35, 43-46 and 48-50.

Claim Rejections under 35 U.S.C. § 112

Claims 36-42 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the application. Claims 36-42 were canceled, rendering these rejections moot. The Examiner asserts that the term “non-human” recited in claim 36 is not supported by the original specification. The Applicant strongly disagrees with this assertion, but has canceled claims 36-42, without prejudice, to expedite prosecution of

this application. The Applicant reserves the right to pursue the subject matter of claims 36-42 in a continuation application.

Claim Rejections under 35 U.S.C. §§ 102 and 103

Claims 36-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,433,637 to Graves (“Graves”), and claim 39 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,467,555 to Terzain et al. (“Terzain”) or U.S. Patent Pub. No. 2001/0024294 to Ueno et al. (“Ueno”). As stated above, claims 36-39 were canceled, rendering these rejections moot. The Applicant does not acquiesce to the rejection of claims 36-39 under 35 U.S.C. §§ 102(b) and 103(a), but has canceled claims 36-39, without prejudice, to expedite prosecution of this application. The Applicant reserves the right to pursue the subject matter of claims 36-39 in a continuation application.

CONCLUSION

All of the stated grounds for rejection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner has questions in connection with this application or believes that further personal communication would be helpful in the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.


Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: December 20, 2006

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
The Bowen Building
875 15th Street, NW Suite 800
Washington, DC 20005-2221
Tel: (703) 456-8000
Fax: (202) 842-7899

311687 v1/RE

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By:  Christopher R. Hutter (Reg. No. 41,087)
Nancy A. Vashaw
Reg. No. 50,501 for: